G. R. S. 59]

GPB—15 000—20 12 13

GENERAL AND REVENUE SECRETARIAT.

1892-3
~~191~~.

(Industrial)

File No. 272

Serial Nos.

Papers Filed.

Month

SUBJECT.

Payment of a compensation of Rs 500/- to the legal heirs of Srinivasa Varadachar for having relinquished their claim on the garden known as "Jayanthi Tope" belonging to the Sri Appramayaswami temple at Mallur, Chennapatna Taluk

PREVIOUS REFERENCES	LATER REFERENCES
	Muz F 1030 1900-1901

2164 [illegible]

[illegible] 10801

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Recd 6/6/93

11/83

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Draft

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3 - 93

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No 2130.

OFFICE OF THE SUPERINTENDENT OF MUZRAI IN MYSORE
125

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[illegible] 1888 [illegible]

[illegible] (75) [illegible]

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No 2130.

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OFFICE OF THE ... DEP...

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OFFICE OF THE
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No. 1675
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[illegible] 1888 [illegible]

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Enclosure [illegible]
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Received 16/2

The file connected with this is among the Petn Reports transferred to the Secry.
8/2/92

V. Nandu for Ref: early
13/2/92

Received 16/2/92.
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19/2/92

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No 930

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Referred to the Vernacular Superintendent Mr Narain Rao.

Understood

4 June 93

3225 R
6-6-93

OFFICE OF THE DEWAN OF MYSORE
574
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No. 450

10/10/85

Mysore Dewan's Office,

PETITION DEPARTMENT.

Official Memorandum.

The accompanying Petition No. 2036, dated 4 October 1885 received at the Dewan's Office from Sreenivasingar Gaurdian of minor Lukshmenarasummachar of Koolloor Closepet Taluk is forwarded, together with its five enclosures, to the Deputy Commissioner of the Bangalore District for Submission of Proceedings

BANGALORE,
10 October 1885.

Draft

By Order,

Secretary.

Mysore Government Press, Bangalore.—7-9-85.—2,000.

(Gen... Serial No. 29.)

OFFICE ... 7451 26.JAN.86 314 DEWAN OF MYSORE

188

From The Dy. Commissioner

Bangalore District

To (12)

The Secretary to the Dewan

of Mysore.

Dated

Despatched 23rd January 1886

Received

Enclosures No. 2 files

General No.
No. 996 } 188 —8 .

Dewan's Memorandum No. 450 of 10th October last, regarding the complaint of Srinivasangar of Maloor in the ... Taluq and asking to submit the proceedings of the case.

... has the honor to submit, ... the file of vernacular correspondence and to state ... alluded to ... the property of ... Maloor ... is ... ...

Rep. & return
...
26/1/86

Noted
27/1/86

To the Same No. 948 d 26/6/92
No. 172-92

To To the Same No. 1 d 26/6/92
No. 172-92 10/2

fee, the individual to whom it had

it, was deprived of the garden is, that he failed to im-
prove it by planting cocoanuts & [illegible], according to the
terms of his muchilika.

The enclosures of the above [illegible] are herewith returned

Deputy Commissioner

Encls.

7829-

(General Serial No. 29.)

1885-86/87 322

From The Dy Commissioner
Bangalore District

To

The Secretary to the Dewan
of Mysore.

Dated 8th February 1886.
Despatched
Received

Enclosures No. Ver Papers

General No. } 1885-86.
D No. 1051

Repr.
7/2 R

7461
This Office No. 97 dated 22nd Ultimo, regarding a garden belonging the Maloor Temple the Closepet Taluk

In continuation of the above, has the honor to enclose the orders, yadi No. 24 the 1st Assistant Commissioner requesting permission to recover the arrears of 500 Rs amount

To the same no 948 d 26/6/88
no 172-92 10/2

from the Lessee alluded to

J. W. Healy

for Dy Commissioner

Sect. 9/4

Please communicate ... (...)

(General Serial No. 31.)

188

OFFICE 130 9 - APR 88 ... ANOF MYSORE.

From The Bay

To

The Chief Secretary to the Dewan of Mysore.

Dated 7th April 1888

Despatched

Received

Enclosures No.

General No D No 16 / 1888

This office docket No 1051 dated 8th February 1886, soliciting orders as to the recovery of the Gootta amount from the lessee of a garden belonging to the Maloor temple, Closepet Taluq.

Has the honor to request an early reply to the above, as the Deputy Amildar has again asked for orders in the matter.

[signature]

Deputy Commissioner

The Lameros 948 / 2-92 26/6/88

Please put up
references.

[illegible]

[illegible] 11/4/88

For E.M.

[illegible] in the EC Register [illegible] 13/4

[illegible]

Swami [illegible] 14

[illegible] 14/4

[illegible] to [illegible] 19/4

[illegible]

(General Serial No. 29.)

1888-89/5596

From The Dy Commissioner.
Bangalore District

To

The Chief Secretary to the Dewan of Mysore.

Dated 25th October 1888.

Despatched

Received

Enclosures No.

General No. 465

This office Nos 1051 and 16 dated 8th February 1886 and 13th May 1887, respectively soliciting orders in the matter of the recovery of Gutta arrears due by lessee of the Garden belonging to the Malur [illegible] Chennapatna Range, [illegible] Taluk.

Has the honor to request the favor of an early reply to the above, as the Sub Divisional Officer solicits early disposal of the matter.

[illegible]
Dy Commissioner

To the Sancher 948 ... 172-92 26/10/95

(General Serial No. 29.)

Refer 30/10

1888-89 568

410

From The Dy Commissioner.
Bangalore District

To

The Chief Secretary to the Dewan of Mysore.

Enders 3/11

Dated 30th October 1888.

Despatched

Received

Enclosures No. 2.

General No. D No. 475.

This office docket No. 465 dated 25th Instant, soliciting early orders regarding the recovery of arrears from the lessee of the garden belonging to the Maloor Temple Closepet Taluk.

Has the honour to forward, herewith for favor of perusal and kind return, the report Sub Division Officer's Yadee No. ... on the subject.

[illegible]
for Dy Commissioner

[illegible]

To the Sanc No. 948 M.A 172-92 D/26 XI/93

(General Serial No. 30.)

188

12

From

The Secretary to the Dewan of Mysore.

To

Dated

Despatched

Received

Enclosures No.

Subd for approval

General No.
No.

Order:

The Dewan is satisfied that the present holder deserves no consideration. The garden is evidently a valuable gift to the temple and the Pujari was permitted to hold & enjoy it in consideration of his improving it & keeping it in good condition, & subject therefore to a nominal rent to the temple.

The records shew that the garden has not been kept well and the action of the Sub Div Offr in resuming it is just.

The Dewan however will be prepared to re-lease the garden to the Pujari if he would in writing

bind himself to pay
an annual rent to the
temple of 100 Rs paying besides
~~[illegible]~~ the Govt assesst,
and undertaking to fully
plant up the entire garden
as far as the soil will
permit, & replanting
vacancies when trees die
out.

The lease will be subject
to revision once in 12 years
unless in the interval the
Pet nor his heirs either
voluntarily give it up or
by their gross negligence
damage the garden in
which case it will be
resumed. V. Rangaswami [illegible]

[illegible]

13/7

(General Serial No. 32.)

189/92

No. 930

Name of Petitioner. Srinivasaiengar, guardian of minor Lakshminarasimhachar

Village. Malur

Taluk. Closepet

District. Bangalore

Date of Arzi. 5.8.91

Date of Receipt. 6.8.91

Date of Disposal.

No. of Enclosures. Nil.

Abstract.

States that, in spite of his application, copy of order passed on 14/9/88 in connection with the Jayanti garden situate in the Kailanchikanahalli village in Channapatna Sub-Taluk, is not yet granted to him, nor have instructions been issued to the Amildar to carry out the said order, as requested by him (Pet) and that the delay has entailed loss. Prays for copy of the order and instructions to the Amildar to execute the order at an early date.

[illegible]

Ref. [illegible] submitted

[illegible]

13/8/91

(General Serial No. 32.)

1892.

No. 3788.

Name of Petitioner. Vádhyár Sreenivas Aiyangar, minor guardian of ~~Village~~. Kadambi Lakshmunarasimhachar, residing in Dodda

Taluk. Malur Village, Chennapatna Sub Taluk

District. Bangalore –

Date of Arzi. 16th February 1892.

Date of Receipt. 17. 2 92.

Date of Disposal.

No. of Enclosures. nil

Informed to the Petitioner with ...
12/2
19/2

file is transferred to Muzrai Secy by order
[illegible]
[illegible]
2/5/92

Rec'd 6/5/92

ABSTRACT.

Petitioner prays that Bagáyet land bearing Survey No. 78 belonging to petitioner's ancestors wrongfully taken over by Govt for management, may be given back to him as he is willing to to part with one half the land & its annual produce in favor of the Appaiáyaswami temple, reserving the other half for himself –

(General Serial No. 62.)

189 .

No. 3788

Name of Petitioner. Va'dhyár Sreenivása Iyengar, minor guardian of

~~Village~~. Kadambi Lakshminarasa Char residing in Dodda Ma ~~Village, Chennapa~~tn

Taluk. Sub-Taluk

District Bangalore

Date of Arzi. 16th February 1892

Date of Receipt. 17. 2. 72.

Date of Disposal.

No. of Enclosures. Nil.

ABSTRACT.

Petitioner prays Bagáyet land, bearing Survey No 78, belonging to petitioner's ancestors wrongly taken over by Govt for management, may be given back to him, as he is willing to part with one half of the land and its annual produce in favor of the Aprameyaswami temple reserving the other half for himself.

The file is ~~returned~~ transferred to the Muzrai Secretary

By Order

30-6-92 Sd/ T Ananda Rao

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 3788 R
DATE 17-2-92

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45-7-11 [illegible]

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MUZARAI. (8)

(General Serial No. 30.)

1893.

From

The Secretary to the Dewan of Mysore.

To

The Dy Comr. Bangalore Dt.

Dated 26th

Despatched 27th June 1893

Received

Enclosures No. 2 files V.D.2

General No. 948 R

Muzarai. F. No. 172-93

His No. D. 475 d/30th Oct/88 regarding the Jayanti Garden belonging to the Appameyaswamy Temple in Mallur Chennapatna Taluk

~~Before final orders are passed on~~ With reference to the above, the Dy Comr. is requested to collect within a fortnight the arrears of the lease.

Mysore Govt C. Press, Bangalore—12 1-93.—1,000.

from the Same No 2883 5/9/93

~~the~~
Amount due ~~to Govt~~
~~of the garden from~~
by
Hullura and Chicka
Gowda, the ~~two~~ joint lessees.
~~who have taken up~~ of the
garden ~~on lease~~ since
the date on which the
Sub-Dr. Officer's order
of resumption - No 226
of 3rd July 86 was communi-
cated to them -

3. The entire Vernacular
records connected with
the case are herewith
returned for reference

2. Final orders will
be passed on receipt
of the Dy Comm's report
intimating the ~~due~~
collection of the amount.
due.

By order
[illegible]
Secy

(General Serial No. ~~30~~ 9)

1893 No. 202/94 [stamp: Office of the ... Dewan ... Mysore]

From The Dy Commissioner
Bangalore District

To

The Chief Secretary to the Dewan of Mysore.
Muzrai Department

Dated 5th September 1893.

Despatched 7th

Received 7—9—93

Enclosures No. 1 file V.P.

General No.
D No. 288

His No. 948 dated 27th June 1893 regarding the collection of arrears of Jayanti Garden belonging to the Appramayaswami Temple in Malur, Chennapatna Taluk.
172-92

In returning the records received with the above, has the honor to state that the arrears amounting to Rs. 576-5-3 have been collected. The details of the account

as
11/X/93

Refer as

To the same No 383-4 / My. 172-92 d 9/10/93

are given in the deposition
of joint lessees, Hulluva
and Chikagowda, marked
101 in red ink -

[illegible]

For Dy Commissioner

[illegible]

MUZARAI.

(General Serial No 30)

1893-4

From

To D.C Bangalore
Comptroller

Dated 9 October 1893

Despatched 11 "

Received

Enclosures No.

General No. 383-4
Muzarai F. No. 172-92

Mysore Govt. Central Press, Bangalore—26-9-93-1 000

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Dockets No. 996 & 1013. Jany. & Feby. 1866, from the Dy. Commdr. Bangalore Distt submitting the Ver: records relating to the Jayanti Garden (at Myleannaiken hulli) of the Apprimaniya Swamy temple at Malloor Closepet Talug — — —

It would appear from the above ver. records that one Suryanarania, Mag. (?) Gumasta of the Mysore Talug complained to the Chief Commissioner & the Local offrs in 1855, to the effect that a cocoa nut garden, at Myleannaiken -hulli, presented by way of gift to the Sreeappramaiya Swamy temple at Malloor, by his grandfather, Pradhan Venka-tapathia (the orgl. holder of the land) for the regular performance of Sree Krishna Jayanti annually during Gokulashatami festival, out of the income of the land & the management of the same

same was entrusted by the
Donor himself. first to
Chakravarti Kristnamathar
Deekshit & then, to me Luxmimma-
thar - but on the death of
the Donor, the latter taking
advantage of Peter's (surnarampfos) minority
gave rise to all sorts of ir-
regularities in respect of
the Jayanta procession, as
also the management of
the Garden, which was, in
course of time, reduced to
ruinous condition & the
realizations thereof to a
great extent misappropriated
by Lukshmenathar on payt.
of a small sum of 3 Pagodas.
& he even hypothecated
the garden, in question, to
Buksha Singia - For these
reasons the complainant
... not Lukshminathar
... dispossessed of the garden
... He again addressed
the Asst. Sec. of Chennapatam
in 1866 also -

15 - 2 - 1866.

Also another Devarahulla
Dassa preferred a complaint
to the Chennapatam ...

Lo Sultas

newly offered Suttas of D Onsen

to notice the trifling Sultas amount, ~~which~~ the temple was then in receipt of, when compared with the large realizations, which the marginally noted Gardens of the temple yield — .

[illegible]akki Tota (Garden)	4 tott	10 Rs	
[illegible]rumasetty Tota	4 Fanams	12 Rs	
[illegible]enti Tota.	(2 gott)	80 Rs	

Copy [illegible]

[illegible]

The Putta granted by the Amildar Koonniah of Chennapatam, to Lakshmanachar for "Dasiwara" (right of raising fresh plants or trees) was dated 7th day of Pushya of the Sobhanu year and purports to the effect that he should raise the sufficient number of cocoanut trees, at sufficient intervals, from one another, in the waste lands of the Garden binding himself to pay to the temple annually, half the produce of the newly raised trees from the time they were found fruitful & that he was privileged to enjoy the dry & wet crops he might cultivate in the garden — .

From the deposition taken from the Parpatyar [illegible]

of the temple it wd appear — 27 June 1866

that the garden was given

out for "Srisivara" by the

Mullar Koorma & Luksh

-manathar in Sobhanud

that a putta of Pagodas 10

was regularly paid by him since

Nara & that the land had been

mortgaged to Bukshi Singra

& held on shraga tenure

with effect from Sowmya

(rising from 6 1/2 to 9 1/2 ?) &

redeemed after the lapse of

8 yrs.

Sreenevas Varadachar (son

of Lukshmanachar) deposed

to the effect that some 500 — 23 - 1 - 1868

cocoant plants were raised

by him but some never came

up & many withered away.

The garden, in question, had

been [illegible] by his late

father [illegible] Ramanujayar,

but [illegible] were not

[illegible] however the

garden was redeemed some

7 yrs. back & that the putta

of 10 Pagodas was regularly

paid by him to the temple.

As some 400 Rs had been spent

by him & his father on the garden

he

he could neither consent to a division of the garden being made nor was he willing to increase the gutta amount.

The Amildar Narasharirao sub'd the application of Dassa for the grant of the Jayanti garden for cultivation on an annual rental (or gutta) of Rs 80/-; adding that the present cultivator (or holder) was paying a small sum of Rs 29-1-6 a year.-

D/ 2-2-1867.

The then Dy Supdt (Col. Hill) wanted to know whether the garden in question was an Inam or service land & what were the reasons that induced the Durkast=dar to pay more, & whether the orgl holder was willing to pay the excess amount offered - If the garden belonged to the Temple, what was the objection to give it out to others for cultivation

The Amildar of Chamarajnagar in reply, stated that the Gutta of the land in question

was presented to the Temple by Pradhan Venkatapathia & which consisted of 11-11-3/4 Kandies Kadus assessed at Rs 38-2-5, was issued by Amildar Koonnia to Arkish Annavathar in Sobhanam for Sesrvara tenure on condition of his paying half the produce of the newly raised trees from the year they were found fruitful - though he executed a moochalika agreeing to plant new trees in all the waste lands in the garden as per orders received from the Huzur Mujzaridar he failed to act up to the conditions of the agreement. That Sreenivas Varadthar did not consent to a division of the garden being made. He raised no new trees but began cultivating sugarcane with a dry crops on all the waste lands in the garden looking more to his personal benefit than to the interests of the temple - There were only 352 trees out of 914 that were growing at the time, the garden

by 19-3-68

239 Fruit bearing Trees -
36 Bearing no fruits -
639 Small trees -

garden was entrusted to his possession. This showed a loss of 562 trees, which were said to have withered away. That on these grounds the Amildar of Chennapatam stated ~~[illegible]~~ that the Takarar of Lakshmana thar was inadmissible & solicited orders at the same time either for the sale of the garden or for its division. He further added that Munshi Surnaranappa (a descendant of the Donor Ven=Kutapathia) was repeatedly bringing to notice the loss the Temple had sustained.

D 1. 6. 68

Whereupon the Dy Supdt (Col. T. Clarke) ordered that some 10 years' time be granted to the present holder of the garden in accordance with the Huzur Mungoori Offrs order of 1859 for raising new cocoanut trees to the entire extent of the Bung land in the garden & that a Moochalika should be taken from him to that effect.

Ance[illegible]

Srinivasaraghavachariar ac-
=cordingly executed a Muchi-
=lika binding himself
merely to plant cocoanut
trees on the waste lands of
the garden & to bring them
by proper cultivation to
fertility in the course of the
next ten years - besides pay- d/ 4-7-1868-
=ing the Govt. candayam on
the garden, as also, the an- + (10 Pagodas)
=nual fatta amount[+] to the
Temple till the new trees
were found productive.
& that he would abide by
the orders of Govt. should he
fail to fulfil the terms of
the agreement -

On the complaints pre- d/ 12-7-83-
=ferred by Cannambady Narain
Row & another Chakravarti d/ 15-4-84-
[illegible] regarding
the decayed condition of
the [illegible] garden in question
& the old question of the
neglect of cultivation of
the garden was again revived-

Dy 24-5-84

The Dy Amildar of Chenna-patam reported to the Sub Dn. Offr. to the effect that the descendents of the Donor as well as, the Devotees of the temple repeated complained of the loss the temple had sustained by the neglect of Sreenevasvaradachar to act up to the conditions of the Muchalika he had executed in 1868 to bring the Garden to a fruitful condition in the course of 10 yrs by raising new cocoanut trees on all the Bunjar lands of the Garden - though a further term of more 10 years was given him in 1868 he had failed to do so & misappropriated all the dead trees of the Garden without paying the value thereof to the Temple & he looked more to his own profits by raising wet & dry cultivation in the Bunjar lands of the Garden without paying any regard to the income of the Temple

Temple - The Ry Amildar further stated that the garden which was personally inspected by him was in a ruinous condition & nothing seemed to have been done at all towards its improvement. As Sreenivas Varadachar had rented out the garden for an annual gutta of Rs 190/- it appeared reasonable that half of the gutta amount be ordered to be paid over to the temple & 2 years time given him in order that he might improve the garden; & should he neglect it any more he should be dispossessed of it -

On this, the Sub Dn Offr of Closepett, Mr Abdul Rhyman, ordered that Sreenivas Varadachar should be dispossessed of the garden in question, & other arrangements made for its cultivation - What was the amount of loss sustained by the breach of the

N° 226 D 3-7-84

contract, the Suttadar had entered into - the fact should be enquired into & reported. Pending settlement of the case, the sub-tenant to whom the garden, in question, had been leased out on an annual rental of Rs 190/- should be informed by means of notice that he would be held liable to pay the Gutta amount direct to the Govt. It should also be ascertained why the offrs of the Apporammaya Swamy temple kept silent since the Guttadar failed to fulfil the conditions of his Contract (of 1068) - Also a list shewing the number of the cocoanut trees that were standing in the said Jayanti garden when it was given out for Gutta, in 1068, & also those that were subsequently destroyed or misappropriated should be submitted, together with an explanation from the Guttadar Sreenivasa Varada Chari -

The Dy Tahsildar to whom
the matter was referred for
report wrote to say after
enquiry that Sreenivas Varada-
=char (the Pattadar) having
died, his son (Lukshmee- Dy 23.9.86
-Nursimhachar) a minor
of 5 or 6 yrs & his widow
(Alamelammal) were under
the support of one Venkata
Ramanienger, for the in laws
of the deceased & the latter
(Venkat Ramanienger) stated
that the management of the
garden was conducted by
by Vadyar Sreenivasiengar
(maternal uncle of the
deceased) & submitted the
depositions taken from
the above 2 kinsmen of the late
Sreenivas Varadachar for
perusal. He further added
that the Sub. Rev. Offrs order was
duly communicated
to the cultivators (or sub tenants)
of the garden & notice also
issued to them - The Parpatigar
& the Shanbogue of the temple
who were questioned as

to

as to why they failed to bring to the notice of Govt in time the failure on the part of Sreenevasa Vardachar to act up to the terms of the agree:ment, deposed that they were ignorant of the fact. The Dy Amildar submitted the above depositions & a Petition (from Sheristadar vide of Sreenevasa Vardachar) & a list of the trees in the Garden which was carefully inspected by him (Dy Amildar) with some of the principal men of the place.

Parpatedar Appramiengar of the temple deposed to the effect: that he was (a Shanabhog) Parpategar since 1877 & that he was ignorant of the con:ditions on which the Garden had been given out to Sreenevasa Vardachar on gutta tenure. Further there were no such references available in the Temple records. The gutta amount of Rs 29-1-6 recovered annually was to be credited in the Temple

Temple accounts & utilized
for the Jayenti ~~procession~~ the expenses of procession &c -

Sreenivasaiyar (Shanbogue
of the Appraimaya swamy temple) -

Stated that the Jayenti
garden was rented out to the
ancestor of Sreenivas Varadathar
but there were no such records
in the temple specifying the terms
of the gutta contract - Besides no orders were
received directing the temple servants
to enquire after the improved condition
of the garden, in question - He knew nothing
beyond the income of Rs 29-1-6 realized
from the garden & credited to the Temple -

Chickaia (son of Narigowda)
who had taken up the Jayenti garden
from Alamelamma for an annual rental
or gutta of Rs 195 * being informed that the
garden was taken under Govt management
as per orders No 226 d 3-7-84 recd from the Mungriff?
agreed to pay the gutta amount in future
direct to Govt - similarly the servants Kada
& Bommayya who had been employed by
Alamelamma on pay of Rs 20 (each) a year, for
watering plants in the garden also agreed
to abide by the Govt orders in future -

* for 3 years from May 1883 the end of April 1886 -

d 29-7-84

D) 20-8-84.

Venkataramaiengar father-in-law of Sreenevas Varadathar deposed to the effect that it was true that his late son-in-law had taken up the Jayenti garden on fitta tenure - but the matter was better known to one Vadyar Sreenevasiengar (a maternal uncle of his deceased son-in-law) under whose management the garden long remained -

D) 23-9-84.

The Punchayetdars, to whom the moochalika executed by Sreenevas Varadathar in 1868, was read out with the other papers, having inspected the Jayenti garden in company with the Dy Amildar stated as follows: —— That it appeared from the above moochalika executed in 1868, that Sreenevas Varadathar had agreed to raise cocoanut trees in the whole extent of the Bengur lands of the Jayenti garden in question in the course of 10 years, & in default he would abide by such orders

It was clear from from the records there were 352 cocoa nut trees in the garden in the year 1868 the present number being 506. According to the agreement there ought to be 1846 trees in all to occupy the full extent of the garden land (measuring Kandee c. p. 11-10-12

but some 500 plants which Lukshmanachar had raised in the year Dhatu withered away knowing to most of the Punchayetdars. About 2 Candies extent of lands in the garden, likely to contain some 300 cocoanut trees, were unfit for cocoanut cultivation. The number of the standing trees in the garden (inclusive of both the big & small ones) was 506 & the remaining space, on which some 540⊕ more trees could be planted, was left waste. The Punchayetdars further remarked that half of the extent of the garden was Karab land the other half being fertile. It could not be said with certainty the loss of the number of the old trees that were standing in the garden in 1868. The trees that were found during the inspection appeared to be 10 or 12 years old.

Vadyar Sreenivasa Iyengar deposed to the effect that this Jayanti garden was in his possession & enjoyment for upwards of 50-60 years & that his brother in law

⊕ Loss calculated at the rate of 4 annas per tree or Rs 135 for all the 540 trees.

5.

D/ 3-9-84

brother-in-law
Lukshmanachar in fact lived in the garden alone, for some 20 or 30 years labor-ing hard for the improvement of the garden. Sreenivaradachar who was brought up under (Sreenivasayangar's) his roof was only a minor (ie 15 years old) when he executed, in 1868, the Moochaleka referred to, to which he very probably consented, fearing that the garden might be resumed. He also added that he possessed rightful claim to half of the garden by virtue of his having raised a large number of cocoanut trees in it at great labor & cost for years. He could not therefore give it up. As the Punchayedars admitted he raised good many cocoa-nut trees over the waste lands of the garden but they all withered away during the severe drought of the famine year Dhatu — A portion of the garden which was rendered very marshy by the percolation of

of much water from the
adjoining Harur tank
was quite unfit for cocoa
-nut cultivation as was
admitted by the Punchayetdars.
& the cocoanut plants, planted, con-
-sequently hardly germinated. The
minor son (aby 7 yrs) of Sreenevasvaradachar
was like his father under his protection.
He requested that in consideration of the
labor & money spent by him & the deceased
on the garden it might be continued to the
minor as usual. He was unable to account
for the loss of 135 Rs calculated at the rate of 4 annas
on the 540 cocoanut trees, which he was said
by the Punchayetdars to have failed to plant.

With reference to the above the Sub Dn Offr, [No 424 d/6.4]
at Ulsepett based his orders to the effect
that the Jagenti garden in question should
be resumed & the cash gutta tenure thereof
be sold by competition by the Dy Amildar
in person summoning a number of
competent men by means of notices or
The guttadar should not only pay every year
the gutta money (approved by Govt) but also
bind himself to plant ~~[illegible]~~ without
any delay & improve the cocoanut trees
on such portions of the garden as the
were found fit for such cultivation.
The

The garden would be in=
spection annually by the
authorities & if the cultiva=
tion was in any way neglect
=ed the gutta contract wd. be
at once cancelled. On these
conditions the sale should
be conducted by competition
& the sale list submitted for
orders. Further the com=
=pensation amount re=
=ferred to in the Muhazur,
executed by the Punchayetdars
on account of the loss the temple has sus=
=tained should be recovered
from the present Guttadar.
Also the amount payable
by the sub tenant to the
Guttadar should be so
arranged as to be recovered
from the sub-tenant direct
to the temple & a moochalika
taken from him (sub tenant)
to that effect.

By 25.10.84. The Dy Asstt. Coll. accordingly
issued a notifn. to the effect
that the guttadar should be
prepared to pay by 2 six monthly
instalments the annual
gutta amount to the temple
as also the first contingencies to

the land & that he should raise at the rate of 160 (per every Candy extent of wet land) cocoanut plants to the full extent of the waste lands in the garden as were found fit for such cultivation & improve the hedge, also before the lapse of the 1st year of his contract & should handover to Govt all the trees that were found fallen or dead from time to time or pay at the rate of 4 annas for each tree which he failed to plant or he should bring all the trees to fruitful condition within the next 10 years' time - Failing to fulfil any of the above conditions he should forfeit his claims to the garden - He was also per=mitted the enjoyment of cereal cultivation in the garden -

The competitive sale began with Rs 40 & fetched the highest bid of Rs 155 offered by Kanambady Suryanaranappa -

The Dy Amildar of Chennapatam submitted an Ittilla to the Closepett Sub Div. Offr to say that he conducted the sale by competition after the issue of notifies the notices to the parties concerned, specifying the terms of the contract for a period of 10 yrs. - d[illegible] Kanambady Surnarnappa offered the highest & the best bid viz Rs 155- inclusive of the expenses etc, required for the maintenance & improvement of the garden which were to be borne by himself - 27-10-86

Deducting

5½

D 27-10-84.

Deducting out of the above gutta amount, the sum of Rs 29-1-6, annually paid to the temple for the jayanti procession - the balance Rs 125-11-6 is treated hereafter as the net income of the temple. Vadyar Sreenivasaiengar in whose possession the garden in question hitherto remained failed to appear at the time of the sale, in spite of the notices & intimation given him - Sonde, Hulianna & Huliyappa who are the cultivators of the Jayanti garden both refused to sign the sale list - steps were also taken for recovery from Vadyar Sreenivasa Iyengar of the compensation amount Rs 135 referred to in the Muchalika of 3-9-04 executed by the Sreenivasiengar. The petition of Hulianna & Huliyappa Garden presented on 25-10-04 objecting to the sale being concluded on the grounds that 5 months more were wanting to complete the terms of the contract he had entered into with Honnelamma was submitted for the orders of the Sub Division Officer.

Whereupon the Sub Dt Offr

Chezhetti submitted the above for

the approval of the Collector Dt Bangalore,

adding that should the proposals be approved orders would be

issued to the Dy Amildar to make

over the possession of the garden
in auction under the condition entered into

to the highest bidder in the above D 30-10-86

sale, after the expire of 5 months,

which was wanting to complete the

term of the present sub tenants contract.

The present Guttadar had been given 10 years'

time in 1868 to bring the garden to an improved

condition but he failed to do so, though 6 years

exceeded that term. The Guttadar was realizing

an annual income of Rs 190 besides enjoy-

ing the produce of the cereal cultivation in the

garden in an annual payt of a small sum of

Rs 29 and he therefore appeared selfinterested.

The complainant who belonged to the Pradhan family

a descendent of the Donor of the garden to the temple

offered the highest bid. It would not be reasonable

to restore the garden to the usual Guttadar allowing

him any further term for he no doubt ruined the

garden. The garden was capable of yielding a

revenue not less than the Gutta offered.

The Sheristadar wanted to know when No 596 D

the garden was presented to the temple 24-11-86

by Pradhan Lakshmappa and whether the deed

of gift or references were available and what

year as the garden in question granted for

Gutta to Lakshmamma and for what length of time was

6

was the Gutta intended & what was the Gutta amount with refce to the 10 years' extension of time given to the Guttadar in 1868 it was also necessary to know if the Guttadar abided by the conditions he had entered into and made regular paymts of the dues without arrears for all the years of his first contract & lastly was all the arrears of the Gutta amount he had to pay recovered up to date and credited to the temple. The above particulars were required to be furnished with a memo of the case.

D/ 31.7.85

In the meantime Vaidya Sreenivasaiyengar guardian of Lukshmi Narsimhiyengar (minor) son of late Sreenivas Lardachari sent a notice to the Sub Regstr thereby stating the amount of loss he was subjected to by the issue of his orders (No 424 D/ 6.Oct.84) to the Dy Amildar & the steps taken by the latter of the sale of the Jaguntte garden

held for upwards of 50 yrs.
& requested that if the Sub Dt Offr
was not pleased to withdraw or
cancel his above order in 2 months time which
was agt law & equity, he would take civil
action agt him (under section 424 of the
civil Pro: Code) making him thereby liable
to bear the court costs &c.

The above was referred to the Dy Amildar D/ 10.12.85
with instructions to inform Petr, as he (Petr)
had been personally told once before, to appeal
if he was not satisfied with the order and
wanted the Amildar (Clezepett) to expedite the
submission of the memo, desired by the Dy Commr.

With refer to the queries asked by the Dy Commr.
Mayor McIntire) in his No 594 D/ 24-11-84 it appeared
from the memo subd by the Amildar of Clezepett that
it could not be correctly traced out from the
record, the year in which the Jagate Garden
was presented by the Donor to the temple & the
probable date appeared from the Pudeek accounts
of 1857 to be the year Siddharti which was some 85 yrs
previous to that date (2) that the deed of gift
was missing probably through the neglect of
the temple offls & no refers were available. but
however the Putta of the land was long held in the
name of the deity. (3) The Putta amount was
recorded to have been some 12 Pagodas for the time
the Garden was first placed in Lakshmanthan's
possession - it is true that the garden was first given
for Putta to Chakravarti Kristnamachar Swami & his heirs
but the accounts for the yr. prior to 1832 were not received
in the temple.

Though the term of ^each^ the Sutta contract was said to be not limited, the time for bringing up cocoanut plants to fertility was reckoned (generally) at 12 or the latest 15 years. The Suttadar had evidently neglected the improvement of the garden tho' 10 yrs.' extension of time was given him.

No 281 of 16.8.85

The Amildar of Cherpulasseri sub. in putting the above facts in the shape of a memo, added that since the garden in question was resumed in July 1884 in the interests of the temple, its cultivation was carried on by the sub tenant Krishna in anticipation of the final orders on the subject, the recovery of the Sutta amount either from the sub tenant or from the highest bidder in the sale was held in abeyance.

Of 31-1-86

The sub Dy. Coll. forwarding the above to the Dy. Collr. urges that if the Sutta amts. are allowed to remain for 2-3 yrs. together without being recovered much difficulty might be felt in future for the recovery of the amts. as in —

& it was therefore necessary to take steps for the collection of the past years' dues –

In Octr 1885 Sreenevasaiyangar (Vadyar) appealed to the Dewan (with copies of orders &c) to the effect that the Jayenti garden No 78 of the temple (measuring 11-10-12 ...) was obtained for "sosivara" by the minor's grandfather Lukshmanacharier from Sirk in 1822 when it was Bunjar, & improved at great cost & labor – but most of the trees withered away on account of the severe drought in Dhatu – The orders wh Lukshmanacharier had obtained from Sirk authorising him to improve & cultivate the garden contained no condition specifying a limited time of tenure. Also the Muchalika which Sreenevasvardachar was alleged to have executed could not be believed to have been executed at all & even if he had executed it, it shd be supposed to have been executed by him when he was a minor & further it contained no limit of time of tenure – Sreenevasvardachar died in 1877 & his son being a minor there was no one to look after the garden & it was therefore granted for a sisty of Rs 190 a year & servants employed to water the plants &c. The steps taken by the Sub Dn Offr & the Dy Amildar to interfere with the garden (so long held) & sell it in a public sale without considering the large sum of money spent in the garden by the elders of the minor were quite agst Law & he has thereby sustained serious loss. For these reasons Sreenevasaiyangar requested that the garden might be restored to him as usual –

H'ble Dn on this appeal Petn ordered that the Proceedings be called for. (vide memo No 450 dy 10-10-85) –

Nilkantha(?)
6/7/86(?)

Memo.

(in Continuation of the Precis Dated 8.7.86).

The file was lately transferred to the Muzrai Department. On going over the papers, I found that the order passed by the Dewan so long ago as September 1888 had not been issued. As however some years had elapsed since, I thought, that the state of the garden might have changed materially and consequently reserved the case for personal inspection.

2. Accordingly I proceeded to Channapatna and inspected the garden on the 20th instant. There are in it only 432 cocoanut trees of which 367 are big ones and the remaining 65 are young trees about 3 years old. About 19 more were planted on the day before my inspection.

3. The garden is at present in the enjoyment of two ryots Hulloora and Chicke Gowda who have taken it up on lease for an annual sum of Rs 195. Since the issue of the Sub-Division Officer's order dated 3rd. July 1884, the lease amount has been in deposit with the lessees themselves. A sum of Rs 700 and odd is now due from the latter.

4. All the big trees appear to be more than 60 years old. No action seems to have been taken towards the improvement of the garden as agreed to in 1868 by the late Sreenivasa Varadachar. His brother-in-law Vádyár Sreenivas Iyengar (the petitioner) who has been all along looking after the garden on behalf of the ~~guttadar~~ guttadar, says that all the newly planted trees

had withered away. This statement, however cannot be believed. Even during the ten years of grace granted to Sreenivasa Varadachar in 1868 by Col Treadway Clarke the then Deputy Superintendent, the guttadar appears to have cared more for his immediate benefit by cultivating minor crops in the garden, than for the joint benefit of himself and the Temple by planting up Cocoanut trees therein. This deliberate and culpable negligence on the part of the guttadar to act up to the terms of the Mutchalika executed in 1868, is an ample justification for the action of the Sub-Division Officer, in resuming the garden. His order of July 1884 may therefore be confirmed and the garden taken over under Muzrai management

5. However considering that the garden has been in the possession of the family of the guttadar

Sreenivasa Varadachar, for the past 70 years, some consideration may be shewn to it in dealing with the case.

I would therefore recommend that a lump sum of Rs ~~[illegible]~~ 500 AS /- be paid from the Temple funds to the heirs of the deceased Sreenivasa Varadachar, as a compensation for any trouble the deceased or his father may have taken to preserve the garden. It is certain that the garden did not improve under his management, but on the contrary it has much deteriorated.

A Sreenivasa [signature]

25—5—93

In pursuance of the above order of the Dewan, I have summoned the heirs of the deceased Srinivasa Varadachar and they appeared before me on the 5th Instant and have given their statement in writing expressing their willingness to give up their claim to the garden on payment to them of compensation of Rs 500/- and their statements are hereto annexed.

A Sreenivasa [signature]

5.10.93.

Memo

One Pradhani Venkata pattia presented his Cocoanut garden at Mylanayakanhalli in the Chennapatna Hobli of Chennapatna Taluk, in gift to the Sri Appramеya-swamy temple at Malloor for certain service being performed out of the income thereof. The management of the garden was at first entrusted to one Lakshman-achar who grossly mismanaged it. Subsequently the Amildar Konia leased out the garden to the same Lakshmanachar on a "Sosiwara" tenure, viz, on condition of the waste land being planted up

and also paying to the Temple half the produce of the newly raised trees from the year they Commenced to bear. After a lapse of some years there was again a complaint from the persons interested in the temple endowment that the lessee failed to act up to the condition of the lease and he has greatly neglected it. Then Captain Treadway Clarke, the then Deputy Commissioner of the Bangalore District, after some enquiry gave the lessee a further period of ten years to improve the garden on pain of the lease being forfeited.

The

The lessee Lakshmanachar having died, his son Srinivas Vardachar executed a Muchalika in 1868 binding himself to plant up the entire garden and improve it in course of ten years besides paying the Govt Kandayam on the garden as also the annual gutta amount of 10 Pagodas, and if he were to fail to fulfil the terms of the engagement, he would abide by any orders the Government may be pleased to pass. This man also failed to carryout the terms of his Muchalika. The Amildar who inspected the garden

found)

found that it was in a ruinous Condition and Therefore reported to the sub division officer - recommending that in the interests of the temple, the lessee should be dispossessed of the garden

2. In Compliance with this recommendation the sub division officer of Bloocpill issued an order to the Amuldar on the 3rd July 1884 to resume - possession of the garden from Srinivas Vardachar and to lease it out to others by putting it up to open competition and to make the arrangements for

its

its improvement. Meanwhile ——— Srinivas Vardachar died leaving behind him his widow named – Alamèlammal and a son named Lakshmi Narasimachar, a minor.

3. Against the said order of the sub division officer, Vadyar Sreenivasiengar the guardian and relative of the minor, petitioned the Dewan, representing that the order of the sub-division officer depriving the lessee of his possession of the garden was harsh and unjust. This appeal has been pending for some years and now the entire

Correspondence

grace granted to Sreenivas Vardachar in 1868 by Capt. Treadway Clarke, ~~the~~ The guttadar appears to have cared more for his immediate benefit by cultivating minor crops in the garden, than for the joint benefit of himself and the temple by planting up cocoanut trees therein. This deliberate and culpable negligence on the part of the guttadar to act up to the terms of the Muchalika executed in 1818 is an ample justification for the action of the sub-division officer in resuming the garden. His order of July 1881

may therefore be confirmed and the garden taken over under Muzrai management.

6. However considering that the garden has been in the possession of the family of the guttadar Srinivas Vardachar, for the past several years some consideration may be shewn to it in dealing with the case I would therefore recommend that a lump sum of Rs 500/- be paid from the temple funds to the heirs of the deceased Srinivas Vardachar, a a compensation for

any trouble the deceased or his father may have taken to preserve the garden. It is certain that the garden did not improve under his management, but on the contrary it has much deteriorated

(Signed) A Srinivassacharlu
Muzrai Superintendent.

25" May 1893

In pursuance of the order of the Dewan dated 30" May 1893 to "settle as above the matter with the tenant" I have summoned the heirs of the deceased Srinivas Varadachar and they appeared before me

on the 5th Instant and have given their statement in writing expressing their willingness to give up their claims to the garden on payment to them of compensation of Rs 500/- and their statements are hereto annexed.

[signature]

Muzrai Superintendent.

5. 10. 1893.

Muzrai

Read:-

Correspondence ending with Docket No. 288 d/5th Septr/93, from the Dy. Commr., Bangalore Dt., forwarding for orders the papers connected with the Jayanti Garden belonging to the Appra-meyaswamy Temple at Mallur in the Chenna-patna Taluk, and stating that the arrears of Gutta amounting to Rs 576-5-3 due to the temple; from the tenants of the garden have been Collected.

" The following Memo d/25th May/93 from the Muzrai Superintendent on the subject.

\+ * \+ *

Read

The following Memo of 5th Octr /93 from the Muzrai Supdt.

No. 383-4
MWS 7 17a-92

9/11/10/93

Ent file V.P.

Order thereon.

Alamielammah, widow of the deceased Sreenivasa Varadachar, and his Son Lakshmi Narasimha Char, a minor represented by his guardian Vadyar Sreenivasa Iyengar, have agreed to relinquish their claim over the garden on payment of a compensation of Rs 500/.

2 Under these circumstances, Govt are pleased to Sanction the payment of a compensation of Rs 500/- to Alamielammah and Lakshmi Narasimha Char, the heirs of the deceased

deceased Sreenivasa Varadachar, out of the arrears of the gutta amount of Rs 576·5·3 since recovered.

3. The garden should be placed under the management of the Amildar who should make necessary arrangements for the improvement thereof and the planting of new trees on the vacant grounds. He should also see that the income derived from the garden is properly utilized for the benefit of the temple and that the assessment thereon is paid regularly to Government.

[signature]

Secretary.

To

The Dy Commr,
Bangalore Dt, with the records.

Comptroller to the Govt of Mysore, for information.

Copies to Dr & Supdt 29-11-06 [illegible]

2

Mnz. 1 [illegible]

190

From

To

The Dy. Commr.
Bangalore Distt.

Dated

Despatched 1. 12. 06.

Received

General No. 2094

No

Enclosure No. 1

Has the honor to forward herewith for favor of enquiry and disposal, petition registered no. 2535 dated 19th Novr. 06, presented by Mr. C. Sesha Char, Counsel for Tirukengadamma, Complaining that a garden ~~situated~~ in Malur Village, being the private property

of Vidyapaka Alasingra Char (deceased), has been unjustly taken up for the benefit of the Sri Appramegaswamy temple at the place, and requesting that the said property may be restored to the lawful heir, the said Tiruvengadamma, grand-daughter of Alasingra Char.

By order,

Dft [signature] 30/11/06

Secretary.

Invt. To the petr.

[initials] 29/11/06 [initials]

2565

Muz. 7]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

MUZRAI DEPARTMENT,

No. 2895

Dated 19

ENDORSEMENT granted to Tiruvengadamma, through her Counsel Mr. C. Sesha Char, B.Sc; L.L.B, Advocate in reply to her Petition Registered No. 2535 dated 19th Novr 1906 praying that a garden in Malur village, which has been taken up for the Sri Aprameya-swamy temple at the place, may be restored to her

Petitioner is informed that her petion has been forwarded for disposal to the Dy. Commr of the Bangalore Distt.

By order,

Dft [illegible] 30/11/06

Secretary

[illegible]

29/11/06

By Order,

Secretary, Muzrai Department

MGCPB—500—22-7-05